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January 20, 2016

**By ECF**

Honorable Valerie E. Caproni  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 443  
New York, New York 10007

**MEMO ENDORSED**

**Re: *Torralba v. Gigino, Inc., et al.***  
**Civil Action No.: 15-cv-7625 (VEC)(JLC)**

Dear Judge Caproni:

We represent the Defendants Gigino, Inc., Robert Giraldi, Philip Suarez, and Luigi Celentano (hereinafter "Defendants") in the above-referenced matter.<sup>1</sup> We write jointly with counsel for Plaintiff pursuant to Your Honor's Individual Practices in Civil Cases, Section 1.C, to respectfully request an extension to the upcoming discovery deadlines in this matter, namely the close of fact discovery originally scheduled for February 4, 2016 as well as the pre-trial conference scheduled before Your Honor on February 5, 2016. (See Docket Entry No. 21, at ¶¶ 5 and 10.) This is the first request to extend the above deadlines.

Over the past several months, the parties have engaged in extensive informal discovery, working towards a settlement prior to the close of discovery. Namely, shortly after the Initial Conference Defendants produced hundreds of time, payroll, and personnel related documents in their possession that relate to Plaintiff's employment with Gigino. Currently, Plaintiff is in the process of preparing damages calculations as well as an initial settlement demand in light of these records. As soon as Plaintiff's damages calculations are complete, the parties anticipate negotiating a potential informal resolution without further burdening the Court.

<sup>1</sup> There is an additional unrepresented defendant named Josetta Mola who was not served in this matter.



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As a result, the parties request that the fact discovery deadline be adjourned in order to allow Plaintiff's counsel to complete the above damages calculations and engage in settlement negotiations with Defendants. The parties propose a revised fact discovery deadline of April 18, 2016, with the rescheduled pre-trial conference scheduled shortly thereafter at the Court's convenience.

The parties thank the Court for its time and attention to this request. Please contact the undersigned if the Court requires any additional information.

Respectfully submitted,

**FOX ROTHSCHILD LLP**

Alexander W. Leonard

cc: Johanna Sanchez, Esq. (by ECF)  
Carolyn D. Richmond, Esq. (Fox Rothschild LLP – NYC)

Request GRANTED, in part. The parties' current fact discovery deadline of February 4, 2016 is ADJOURNED until March 4, 2016. The conference currently scheduled for February 5, 2016 at 10:00 a.m. is ADJOURNED until March 11, 2016 at 10:00 a.m. No further extensions will be permitted. The parties are reminded that any settlement of an FLSA case must be approved by the Court pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). If at any point the parties believe it would be helpful to their settlement efforts, they may jointly contact Chambers to request referral to a Magistrate Judge for a settlement conference.

SO ORDERED.

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE  
January 25, 2016